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C O N F I D E N T I A L SECTION 01 OF 02 BRUSSELS 000714

SIPDIS

EUR/SCE, EUR/ERA

E.O. 12958: DECL: 05/14/2018

TAGS: [PREL](#) [UNMIK](#) [EUN](#) [KV](#)

SUBJECT: EU DISCUSSES CONCERNS, FUTURE OF EULEX KOSOVO  
MISSION

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Classified By: Political Minister Counselor Larry Wohlers for reasons 1  
.4 (b) and (d)

11. (C) Summary. EU and member state officials discussed their operational and political concerns regarding the stalled UNMIK-EULEX transition with South Central European Affairs Office Director Chris Hoh on the margins of U.S.-EU Western Balkans consultations (to be reported septel). EU political officials expressed concern that the latest discussions between the UN and Serbia were not transparent and could lead to a renegotiation of Kosovo's status. The EU will continue to emphasize the importance of respecting the autonomy of EU command structures, the need to prevent a security vacuum in Kosovo, and that the EU should deploy throughout Kosovo. EULEX planners are currently examining options for EULEX to operate in cooperation with the UN, and are exploring a scenario under which the EU would take over judicial responsibilities after June 15 while UNMIK initially would retain its policing duties. EU officials and member state interlocutors voiced concern about maintaining member state unity when the EU is forced to take difficult decisions during the reconfiguration process. End Summary.

#### Political Plans and Redlines

12. (C) EU Balkans Director Stefan Lehne updated EUR/SCE Director Chris Hoh on his recent conversations with EU officials in New York who had recently engaged with UN personnel. Lehne described UN U/SYG Guehenno's plan for UN SYG Ban Ki-moon to send a letter after the May 11 Serbian elections which would outline the SYG's intention to reconfigure the international presence in Kosovo. Lehne noted that the plan would provide for EULEX reporting relationships through the ICO in six areas, some of which were acceptable to the EU, some of which would be more problematic. He added that his interlocutors were told that the UN SYG has privately expressed some doubts about the feasibility of the plan. Further, he noted the EU has been warned in New York that the Quint should not take an aggressive stance on the reconfiguration plan. Lehne expressed concern both that the UN's willingness to seek Serbian buy-in on the six points would be perceived by Belgrade as an opening to renegotiate status arrangements, and that the Belgrade consultations process was being conducted with a lack of transparency for the other stakeholders. He concluded by admitting that there was no alternative for the EU but to proceed with reconfiguration. The EU should be "as gentle as possible but as brutal as necessary" in dealing with the UN.

¶3. (C) As the EU considers how to engage with the UN on EULEX reconfiguration, EU and member states have agreed upon a number of conditions that must be respected through the process, according to Hoh's interlocutors. First, any arrangement needs to preserve the EU chain of command and must not give the UN a direct role in the EULEX budget processes. There should be no security gap between the two missions and UNMIK should retain police responsibilities until replaced by EULEX. Finally, the mission should deploy throughout the whole of Kosovo, and the Government of Kosovo should agree to the arrangements.

#### Operational Issues under the UN Umbrella and Fragile Unity

¶4. (C) In a separate conversation, Matthew Reece, Deputy Civilian Operations Commander and Dana Purcarescu, Political Advisor for the EULEX mission talked with Hoh about internal operational discussions and options for EULEX. Purcarescu said that the planners have been trying to find a way to divide responsibilities between the UN and EU, under the increasingly likely scenario that the UN would maintain a residual role in Kosovo for some time. Dividing by geography would be a non-starter as any geographical division with the UN in the non-majority areas would merely create a de facto partition. Dividing the responsibilities by function would create confusion about where legal authorities and mandates reside, particularly as the EU mission would operate under authorities derived from Kosovo, while UNMIK would operate under those derived from the UN. Purcarescu allowed, however, that the functional separation scenario is gaining support among Quint members. One option discussed, but which is likely to be discarded, is for the EU to assume its monitoring, mentoring, and advising tasks after June 15 and subsequently phase in executive authorities over a period of time afterward. Purcarescu noted that there are a number of conceptual problems associated with this approach, not least

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that it is unlikely that the EU could start small and be successful in acquiring more authority in Kosovo over time.

In light of this, EULEX planners are looking at splitting responsibilities by sector and are working to ensure EULEX is prepared to take over judicial functions after June 15. Under this arrangement, UNMIK initially would perform policing responsibilities.

¶5. (C) Both Reece and Purcarescu emphasized that none of these options are preferable from the operational planning side, as there would not be sufficient operational clarity for the EU, UN, or NATO on where one side stopped and the other began. They noted that EULEX Mission head DeKermabon is uncomfortable with these possibilities and is being criticized for speaking up about the need to protect the mission and its personnel. They emphasized that this division of labor is not sustainable for the long term. EU planners are further concerned that by agreeing to shelter under the UN umbrella, the EULEX mission will open itself up to the poor direction and lack of support UNMIK is currently receiving from New York.

¶6. (C) Arguing that "EU unity is only achieved by being ambiguous," Reece worried that the EU member states do not have the political cohesion to present a robust front during the reconfiguration process. EU political masters have been reluctant to comprehensively juxtapose new realities with previous planning assumptions, and Reece noted that the EU's supposedly status neutral position on Kosovo will make future operational decision making required to implement the reconfigured mission difficult. Officials from the UK and French Permanent Representations separately also expressed concern to Hoh that member state consensus could disintegrate when EU countries realize that the mission they agreed to in February is not the mission that will be launched as a result of the UNMIK reconfiguration process. They warned that the debate will need to be managed carefully in order to avoid hardening positions within the EU.

¶7. (C) Hoh assured all of his interlocutors of U.S. support for the EU during this process, adding that the U.S. will continue to press on the UN Secretariat to prepare for the June 15 transition date. Kosovo will be an EU responsibility one way or another, said Hoh, and what kind of Kosovo the EU inherits will depend on how the transition is managed. He urged the EU to make sure that their redlines were clearly communicated to the UN and emphasized that the EU will also need to make clear that the reconfiguration process does not open the door for additional negotiations. A strong message of resolve from the EU will help with the UN as well as with Russia and the Serbs.

¶8. (U) This message has been cleared by EUR/SCE Director Hoh.

MURRAY

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